

Message Text

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PAGE 01 THE HA 01831 030303Z

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ACTION EB-07

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EXCON

E.O. 11652: N/A

TAGS: ESTC, NL

SUBJECT: EXPORT CONTROL COMPLIANCE STUDY

REF: STATE 066662

FOLLOWING ARE DUTCH REPLIES TO QUESTIONS IN REFTEL:

1. ENFORCEMENT OF EXPORT CONTROLS IN THE NETHERLANDS IS THE RESPONSIBILITY OF THE CENTRALE DIENST VOOR IN-EN UITVOER (CENTRAL IMPORT AND EXPORT OFFICE) IN GRONINGEN UNDER THE ROYAL DECREE ON THE EXPORT OF STRATEGIC GOODS. THE SAME OFFICE IS RESPONSIBLE FOR LICENSING AND COCOM ACTIVITIES.

2. IT IS PART OF ECONOMICS MINISTRY.

3. DUTCH EXCON SYSTEM BASED ON PRINCIPLE THAT EXPORTS ARE FREE WITH SOME EXCEPTIONS AS OPPOSED TO U.S. SYSTEM WHERE EXPORTS ARE PROHIBITED WITH MANY EXCEPTIONS. AS SUCH CENTRALE DIENST VOOR IN-EN UITVOER WOULD NOT MONITOR FIRMS PRODUCING STRATEGIC GOODS UNLESS PAST EXPERIENCES GAVE CAUSE TO DO SO.

4. CENTRALE DIENST VOOR IN-EN UITVOER RELIES ON
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PAGE 02 THE HA 01831 030303Z

ECONOMIC POLICE AND CUSTOMS' INVESTIGATIONS SERVICE FOR

INVESTIGATIONS OF DIVERSIONS.

5. INVESTIGATIONS ARE INITIATED ON THE BASIS OF TIPS OR INFORMATION UNCOVERED THROUGH "RANDOM" SPOT CHECKS. INVESTIGATIONS ARE THEN CARRIED OUT BY THE ECONOMIC POLICE AND/OR CUSTOMS SERVICE, OFTEN IN COOPERATION. RESULTS ARE HANDED OVER TO THE PUBLIC PROSECUTOR FOR PROSECUTION IN REGULAR CRIMINAL PROCEEDINGS. FINES OF UP TO 100,000 GULDERS OR FOUR TIMES ILLEGAL PROFITS IN EXCESS OF 25,000 GULDERS AND PRISON SENTENCES OF UP TO SIX YEARS MAY BE IMPOSED.

6. THE CENTRALE DIENST VOOR IN-EN UITVOER WOULD BE RESPONSIBLE IN CRIMINAL CASES INVOLVING EXPORT OF NATIONAL TREASURES, BUT SUCH OBJECTS ARE NOT SUBJECT TO NORMAL EXPORT CONTROLS.

7. THREE CASES WERE INVESTIGATED IN 1975. THERE WERE NO PROSECUTIONS.

8. THE NETHERLANDS IS SATISFIED WITH ITS EXCON ENFORCEMENT ACTIVITIES. HOWEVER, NETHERLANDS EXCON OFFICIALS EXPRESS DOUBTS ABOUT THE CONTINUED EFFECTIVENESS OF EXPORT CONTROLS IN FACE OF GROWING COMPLEXITY OF COCOM LIST AND RAPID NARROWING OR ELIMINATION OF TECHNOLOGY GAP BETWEEN CIVIL AND MILITARY GOODS IN SOME AREAS, SUCH AS ADVANCED ELECTRONICS. NETHERLANDS WOULD FAVOR A SMALLER, MORE PRECISELY TARGETTED LIST WITH TIGHTER ENFORCEMENT AND FEW EXCEPTIONS.
GOULD

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